

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL HIGHT and MICHAEL  
AUGUSTINE, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

vs.

IKO MANUFACTURING, INC., a Delaware  
Corporation, IKO INDUSTRIES, LTD., a  
Canadian Corporation, IKO SALES, LTD., a  
Canadian Corporation, IKO PACIFIC, INC.,  
a Washington Corporation, IKO CHICAGO,  
INC., an Illinois Corporation,

Defendants.

Case No. 2:09-cv-00887-RSM

**UNOPPOSED MOTION FOR AN  
EXTENSION OF TIME TO  
ANSWER OR OTHERWISE RESPOND  
TO PLAINTIFFS' COMPLAINT**

**NOTE FOR HEARING: July 27, 2009**

Defendants IKO Manufacturing, Inc., IKO Pacific, Inc., and IKO Chicago, Inc.  
(collectively, "IKO") respectfully requests that this Court grant it an extension of time to file an  
answer or otherwise respond to Plaintiffs' Complaint. In support, IKO states the following:

1. Plaintiffs Michael Hight and Michael Augustine filed their Complaint on June  
26, 2009. (Dkt. No. 1). IKO was served with the Complaint on July 8, 2009. This motion is  
filed only on behalf of IKO Manufacturing, Inc., IKO Pacific, Inc., and IKO Chicago, Inc.

1           2.       This Complaint is similar, if not identical, to other complaints filed in other  
2 federal courts. *See Zanetti v. IKO Manufacturing, Inc.*, No. 2:09-cv-2017 (D.N.J. filed April 29,  
3 2009); *McNeil et al. v. IKO Manufacturing, Inc.*, No. 1:09-cv-04443 (N.D. Ill. filed July 24,  
4 2009); *Gerald P. Czuba v. IKO Manufacturing, Inc.*, No. 09-cv-0409 (W.D.N.Y. filed April 29,  
5 2009).  
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7           3.       The Parties are currently in discussions about consolidating these actions before a  
8 single federal court. The Parties intend to file a motion (or separate motions) with the Judicial  
9 Panel on Multidistrict Litigation within the next week.

10          4.       Accordingly, IKO respectfully requests at this time for an Order deferring the  
11 time to answer or otherwise respond to Plaintiffs' Complaint until thirty (30) days after the  
12 Judicial Panel on Multidistrict Litigation has issued its ruling on the location of the consolidated  
13 cases. A proposed order accompanies this motion.  
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15          5.       IKO's counsel has contacted the attorneys for Plaintiffs and is advised that the  
16 Plaintiffs consent to the relief requested herein.

17 WHEREFORE, Defendants IKO Manufacturing, Inc., IKO Pacific, Inc., and IKO Chicago, Inc.  
18 request that this Court grant it an Order deferring the time to answer or otherwise respond to  
19 Plaintiffs' Complaint until thirty (30) days after the Judicial Panel on Multidistrict Litigation has  
20 issued its ruling on the location of the consolidated cases.  
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1 DATED July 27, 2009.

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 27, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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